

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

MONDAY, February 22, 2010

The Chief Clerk makes the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 287** offered by Senator Vinehout.

Senate amendment 1 to **Senate Bill 389** offered by Senator Olsen.

Senate amendment 1 to **Senate Bill 426** offered by Senator Kreitlow.

Senate amendment 2 to **Senate Bill 484** offered by Senator Vinehout.

Senate amendment 3 to **Senate Bill 484** offered by Senator Vinehout.

Senate amendment 4 to **Senate Bill 484** offered by Senator Vinehout.

Senate amendment 1 to **Senate Bill 529** offered by Senator Risser.

Senate amendment 1 to **Senate Bill 540** offered by Senator Wirch.

The Chief Clerk makes the following entries dated **Friday, February 19, 2010**.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 452** offered by Senator Kreitlow.

REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

Senate Bill 414

Relating to: school nurses and the administration of drugs to pupils.

Adoption of Senate Amendment 1.

Ayes, 7 – Senators Lehman, Jauch, Erpenbach, Hansen, Olsen, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Lehman, Jauch, Erpenbach, Hansen, Olsen and Hopper.

Noes, 1 – Senator Grothman.

JOHN LEHMAN
Chairperson

The joint review committee on **Criminal Penalties** reports and recommends:

Assembly Bill 241

Relating to: retail theft, proof of ownership for flea market sales, and providing penalties.

Adoption of Report.

Ayes, 9 – Senator Taylor; Representative Parisi; Senator Hopper; Representative Kleefisch; Attorney St. John; Judges Deininger and Bayogren; Sheriffs Gehring and Mahoney.

Noes, 0 –None.

Absent, 2 – Attorneys Tobin and Ozanne.

Assembly Bill 410

Relating to: violation of the 72–hour no contact provision in domestic violence cases and providing a penalty.

Adoption of Report.

Ayes, 9 – Senator Taylor; Representative Parisi; Senator Hopper; Representative Kleefisch; Attorney St. John; Judges Deininger and Bayogren; Sheriffs Gehring and Mahoney.

Noes, 0 –None.

Absent, 2 – Attorneys Tobin and Ozanne.

Senate Bill 171

Relating to: retail theft, proof of ownership for flea market sales, and providing penalties.

Adoption of Report.

Ayes, 9 – Senator Taylor; Representative Parisi; Senator Hopper; Representative Kleefisch; Attorney St. John; Judges Deininger and Bayogren; Sheriffs Gehring and Mahoney.

Noes, 0 –None.

Absent, 2 – Attorneys Tobin and Ozanne.

Senate Bill 283

Relating to: violation of the 72–hour no contact provision in domestic violence cases and providing a penalty.

Adoption of Report.

Ayes, 9 – Senator Taylor; Representative Parisi; Senator Hopper; Representative Kleefisch; Attorney St. John; Judges Deininger and Bayogren; Sheriffs Gehring and Mahoney.

Noes, 0 –None.

Absent, 2 – Attorneys Tobin and Ozanne.

LENA C. TAYLOR
Co–Chairperson

**REFERRALS AND RECEIPT OF COMMITTEE REPORTS
CONCERNING PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 08–068

Relating to emergency assistance for needy families.

Submitted by Department of Workforce Development .

Report received from Agency, February 17, 2010.

Referred to committee on **Children and Families and Workforce Development**, February 19, 2010.

**INTRODUCTION, FIRST READING, AND
REFERENCE OF PROPOSALS**

Read first time and referred:

Senate Joint Resolution 62

Relating to: the right of the people to contract privately for health care services and health care coverage, and prohibiting requiring a person to obtain or maintain health insurance coverage or to participate in any health care system or plan (first consideration).

By Senators Leibham, Lazich, Kapanke, Darling, Grothman, A. Lasee, Hopper and Schultz; cosponsored by Representatives Vos, Davis, Pridemore, Suder, Petersen, Meyer, Nygren, Kestell, Townsend, Kerkman, Tauchen, Kramer, Knodl, Gunderson, LeMahieu, Strachota, Honadel, Lothian, Kleefisch, Spanbauer, Ballweg, Nass and Ziegelbauer.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

Senate Bill 549

Relating to: entering into an agreement among the states to elect the president of the United States by means of a national popular vote.

By Senators Risser and Wirch; cosponsored by Representatives Roys, Kaufert, Berceau, Black, Clark, Dexter, Fields, Grigsby, Pocan, Sinicki, Toles, Turner, A. Williams, Zepnick, Newcomer and A. Ott.

To committee on **Labor, Elections and Urban Affairs.**

Senate Bill 550

Relating to: a food processing plant and food warehouse investment tax credit, requiring the exercise of rule-making authority, and making an appropriation.

By Senators Lassa, Schultz, Harsdorf and Taylor; cosponsored by Representatives Vruwink, Hilgenberg, Molepske Jr., Hebl, Garthwaite, Jorgensen, Danou, A. Ott, Black, Sinicki, Turner, Bies, Zepnick, Ripp, Hraychuck, Berceau and Nerison.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

Senate Bill 551

Relating to: distribution or delivery of a controlled substance or controlled substance analog in the presence of a child and providing a penalty.

By Senator Hansen; cosponsored by Representatives Hraychuck, Turner, Berceau and Townsend.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 552

Relating to: consideration for the purpose of gambling.

By Senators Hansen and Taylor; cosponsored by Representative Berceau.

To committee on **Ethics Reform and Government Operations.**

REPORT OF COMMITTEES

The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

Assembly Bill 269

Relating to: causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Assembly Bill 471

Relating to: mortgage broker duties and agency relationships.

Concurrence.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Assembly Bill 568

Relating to: revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, and eliminating defects (Correction Bill).

Concurrence.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Senate Bill 467

Relating to: using an electronic signature on a criminal complaint.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Senate Bill 473

Relating to: modifications to the Uniform Interstate Family Support Act.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Senate Bill 478

Relating to: orders to commit state prison inmates to a mental health facility.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Senate Bill 492

Relating to: restoration to competency of a defendant (suggested as remedial legislation by the Department of Health Services).

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

LENA TAYLOR
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Secretary of State**

February 22, 2010

The Honorable, the Legislature:

| <u>Bill Number</u> | <u>Act Number</u> | <u>Publication Date</u> |
|--------------------|-------------------|-------------------------|
| Senate Bill 57 | Act 124 | March 3, 2010 |
| Senate Bill 413 | Act 125 | March 3, 2010 |
| Senate Bill 262 | Act 133 | March 3, 2010 |

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2009 SENATE BILL 524

Prepared by the Legislative Reference Bureau
(February 19, 2010)

- Page 6, line 4: delete “law attorney general” and substitute “attorney general”.
- Page 6, line 8: after “If” insert “the”.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2009 SENATE BILL 503

Prepared by the Legislative Reference Bureau
(February 22, 2010)

- Page 5, line 16: delete “the the” and substitute “the”.

**State of Wisconsin
Department of Administration**

February 12, 2010

The Honorable, The Legislature:

In compliance with Wisconsin statute 16.548, please find the Wisconsin Office of Federal–State Relations quarterly report to be submitted to the Legislature for the 4th Quarter of 2009. This report provides information on the activities of the office and the status of federal legislation of concern to the State of Wisconsin.

Please contact me if you have any questions about this material.

Sincerely,
MICHAEL L. MORGAN
Secretary

**State of Wisconsin
Department of Health Services**

February 17, 2010

The Honorable, The Legislature:

The attached report is submitted to the Legislature pursuant to s.46.27 (11g) and s.46.277 (5m) of the Wisconsin statutes which require the Department of Health Services to submit an annual report for the Community Options Program (COP) and the Home and Community–Based Waivers (COP–W/CIP II). The attached report describes the persons served, program expenditures, and services delivered through the COP, COP–Waiver and CIP II programs in calendar year 2008.

The Community Options Program provides services to people who are elderly or who have a physical, developmental or mental disability, and is closely coordinated with all of Wisconsin’s Medicaid Home and Community–Based Waivers. With the Department’s oversight, county agencies are able to ensure that a comprehensive and individualized care plan is provided, while maintaining program flexibility and integrity, and maximizing federal matching funds.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

Pursuant to Senate Rule 17 (5), Representative Pope–Roberts withdrawn as a cosponsor of **Senate Bill 476.**

Pursuant to Senate Rule 17 (5), Representative Ripp withdrawn as a cosponsor of **Senate Bill 481.**

**REFERRALS AND RECEIPT OF COMMITTEE
REPORTS CONCERNING PROPOSED
ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 09–067

Relating to the certification of private bar attorneys to accept appointments to provide legal representation to state public defender clients.

Submitted by Public Defender Board.

Report received from Agency, February 19, 2010.

Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing,** February 22, 2010.

Senate Clearinghouse Rule 09–068

Relating to representation by the state public defender of persons detained under chapters 51 or 55 or subject to involuntary administration of psychotropic medication without a predetermination of financial eligibility.

Submitted by Public Defender Board.

Report received from Agency, February 19, 2010.

Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing,** February 22, 2010.